IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17821 of 2004

Between:

M.V. Krishna, S/o Gangaram
R/o Amsanpally, Mandal Kolcharam Medak District

... PETITIONER

AND

1 The APSRTC, Musheerabad, Hyderabad rep by Managing Director
2 The Regional Manager, APSRTC, Sangareddy, Medak District
3 The Depot Manager, APSRTC, Bus Depot Medak

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction particularly one in the nature of writ of Mandamus declaring the impugned proceedings NO. HC/785(12)/99-MDK dated 23-12-1999 in refusing to add the stagnation increments on the ground that the petitioner has not completed (12) years of service exclusively in Medak Region as arbitrary, unjust, discrimination and in violation of Art. 14, 16 & 21 of the Constitution of India and Consequently direct the respondents to arrange to add the above stagnation increments from due date i.e. from August 1992 onwards along with all consequential benefits in the interest of justice and fair play

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court made the following order:

ORDER:

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The petitioner is working as a mechanic in the respondent corporation. He contends that though he completed twelve years of service in the said post since 1992 he was not extended the benefits of stagnation increments. Therefore, he approached this Court through WP.No.15964 of 1999 and this Court through order dated 28.09.1999 directed the respondents 2 and 3 to pass appropriate orders on the request of the petitioner for granting stagnation increments. Subsequently, on 23.12.1999 the third respondent passed the impugned order rejecting the case of the petitioner for granting stagnation increments on the ground that he was transferred from the second respondent region to Nizamabad region foregoing the seniority put in earlier.

Learned counsel for the petitioner submitted that foregoing seniority after transfer to another region is only for the purpose of promotion, but for all other purposes he is entitled to get the service counted including the service for release of stagnation increments. He relied on a judgment of a Division Bench of this Court in W.A.No.1301 of 2000 dated 29.10.2002 wherein the Division Bench affirmed the order of the learned Single Judge, which reads as follows:

> "…The circular says that all the employees who have completed 12 years of service in the same category are eligible for the stagnation increment. The circular does not

say that stagnation increment would be awarded only to such of those employees who have completed 12 years in the same category in the same division."

In the light of the judgment of the Division Bench mentioned supra the petitioner is entitled to be considered for the release of the stagnation increments irrespective of his transfer from Medak region to Nizamabad region when he completed 12 years of service in the same category. The respondents 2 and 3 are directed to verify whether the petitioner completed 12 years of service in the same category and on satisfying, the respondents shall in terms of Circular No.PD-113/1989 dated 03.06.1989 release the stagnation increments in favour of the petitioner by passing appropriate orders according to the rules and extend all consequential benefits.

Accordingly, the writ petition is allowed. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 4, 2004

Dsk

To

1 The APSRTC, Musheerabad, Hyderabad rep by Managing Director
2 The Regional Manager, APSRTC, Sangareddy, Medak District
3 The Depot Manager, APSRTC, Bus Depot Medak

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